REMARKS

Claims 2-6, 8, 10-16, and 20-39 are pending in the present application.

Applicants wish to thank Examiner Evans for the helpful and courteous discussion with their undersigned Representative on July 15, 2003. The content of this discussion is believed to be accurately reflected by the amendments and comments presented herein. Applicants also wish to thank Examiner Evans for the indication that previously pending Claims 7, 9, and 10 are allowable (paper number 10, page 5, lines 11-13). Favorable reconsideration and allowance of the claims is solicited in view of the following remarks.

The rejection of Claims 1-6, 8, and 11-19 under 35 U.S.C. §103(a) over Kubo et al (JP 04-243822A) in view of Miao et al (Biosci. Biochem. 1997) is obviated by amendment.

Applicants note that the limitations of allowable Claim 7 have been incorporated into Claim 6. As such, Claim 6 is now equivalent to previously pending and allowed Claim 7. Therefore, Claim 6 should now be the allowable claim. Claims 2-5 have been amended to depend from Claim 6 and should also be allowable since they represent narrower embodiments of the allowed claim. Further, Claims 11-16 have been amended to depend from amended Claim 6, therefore, these method claims should be allowable for the same reason that present Claim 6 is allowable.

Applicants note that the same facts exist for previously pending and allowable Claims 9 and 10.

Claim 8 has been amended to recite the limitations of previously allowed Claim 9 and, therefore, Claim 8 should now be allowable. Claims 20-29 depend directly from Claim 8. Therefore, for the reasons why Claim 8 (previously Claim 9) is allowable, so to are Claims 20-29.

Claim 10 has been amended to read in independent form to secure allowance of this claim. Claims 30-39 depend directly from Claim 10. Therefore, for the reasons why Claim 10 is allowable, so to are Claims 30-39.

Applicants respectfully request that the Examiner indicate that Claims 2-6, 8, 10-16, and 20-39 are free of the art of record.

The rejection of Claim 11 under 35 U.S.C. §112, first paragraph, is obviated by amendment. Applicants have removed the objected to word: "prevent," from the claims and, as such, this rejection is no longer believed to be viable.

Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

Applicants would like to acknowledge the Examiner's indication that the obviousness-type double patenting rejection over EP 1186297, EP 1186294, and EP 1090635 (paper number 6, page 3, lines 13-18) has been withdrawn (paper number 10, page 3, lines 1-2).

Applicants respectfully traverse the obviousness-type double patenting rejections of Claims 1, 6, and 8-17 over U.S. 6,310,100. As set forth in MPEP §804, obviousness-type double patenting rejections are based on the claims of the reference. In the present application, Applicants note that the claims of U.S. 6,310,100 do not recite either caffeic acid or chlorogenic acid and, as such, the claims of this patent can not even support a *prima facie* case of obviousness. Therefore, Applicants respectfully submit that this ground of rejection is improper and should be withdrawn.

The provisional obviousness-type double patenting rejections of Claims 1, 6, and 8-17 over Claims 1-19 over U.S. 2002/0054923 (U.S. Application No. 09/944,079) is traversed.

Applicants wish to draw the Examiner's attention to MPEP §804, which states:

> The "provisional" double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that "provisional" double patenting rejection is the only rejection remaining in one of the applications. If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent.

Applicants note that with the Examiner's indication that previously pending Claims 7, 9, and 10 are allowable (corresponding to current Claims 6, 8, and 10), the only remaining rejection is the provisional obviousness-type double patenting rejection over U.S. 2002/0054923 (U.S. Application No. 09/944,079).

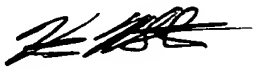
Accordingly, Applicants request withdrawal of the double obviousness-type double patenting rejection of Claims 1, 6, and 8-17 over Claims 1-19 of copending U.S. Application No. 09/944,079 (U.S. 2002/0054923).

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Vincent K. Shier, Ph.D.
Registration No. 50,552

22850

Tel.: 703-413-3000
Fax: 703-413-3220
NFO:VKS